

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALONZO DEVON CAMPBELL,

Petitioner,

v.

Case Number 07-20032
Honorable Thomas L. Ludington

UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DENYING PETITIONER'S MOTION TO VACATE SENTENCE**

This matter is before the Court on the report and recommendation (ECF No. 63) issued by Magistrate Judge Charles E. Binder on January 17, 2013, on Petitioner Alonzo Campbell's motion to vacate his sentence pursuant to 28 U.S.C. § 2255 (ECF Nos. 56). Judge Binder recommends that the Court deny the motion.

Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* The Court is not obligated to review the portions of the report to which no objection was made. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). As of today's date, no party has filed any objections to Judge Binder's report and recommendation. The Court will adopt Judge Binder's report, implement his recommendation, and deny Petitioner's motion.

Before Petitioner may appeal this Court's decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c)(1)(B); Fed. R. App. P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28

U.S.C. § 2253(c)(2). Because Petitioner has not made such a showing, a certificate of appealability is not warranted in this case. And, as any appeal would be frivolous, Petitioner will also not be granted leave to proceed in forma pauperis on appeal. Fed. R. App. P. 24(a).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation (ECF No. 63) is **ADOPTED**.

It is further **ORDERED** that Petitioner's motion to vacate his sentence pursuant to 28 U.S.C. § 2255 (ECF Nos. 56) is **DENIED**.

It is further **ORDERED** that a certificate of appealability is **DENIED**.

It is further **ORDERED** that permission to proceed in forma pauperis on appeal is **DENIED**.

Dated: February 6, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means and upon Alonzo Devon Campbell, #40782039 at Oxford Federal Correctional Institution, Inmate Mail/Parcels, P.O. Box 1000, Oxford, WI 53952 by first class U.S. mail on February 6, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS